

Minutes of: CALIFORNIA STATE ATHLETIC COMMISSION
Meeting Specifics: Regular Commission Meeting
January 25, 2001 – 9:00am
El Segundo – Embassy Suites - LAX South
1440 East Imperial Avenue
El Segundo, CA

1. CALL TO ORDER BY CHAIRMAN

Commissioners Present: Manuel “Cal” Soto, Chairman
Elmer Costa, Vice-Chairman
Alvin Ducheny

Commissioner Not Present: Don Novey

Staff Present: Rob Lynch, Executive Officer
Anita Scuri, DCA Legal Counsel
Earl Plowman, Deputy Attorney General – Licensing
Frank Munoz, Recording Secretary
Dean Lohuis, Chief Inspector
Sal Barajas, Assistant Chief Inspector
Leydis Church, Associate Governmental Program Analyst

2. APPROVAL OF DECEMBER 7, 2000 COMMISSION MEETING MINUTES

Commissioner Ducheny made the following change:

- Page 13, Item 14, Paragraph 3, the last sentence shall be deleted.

Action: Motion by Vice-Chairman Costa and seconded by Commissioner Ducheny to approve the December 7, 2000 minutes as corrected.

Vote: Unanimous

3. SUMMARY OF CHAIRMAN ACTIVITIES SINCE LAST MEETING

There was nothing to report.

4. SUMMARY OF EXECUTIVE OFFICER ACTIVITIES SINCE LAST MEETING

On behalf of the commission and staff, Mr. Lynch congratulated boxing promoter Don Chargin for being inducted into the World Boxing Hall of Fame.

Mr. Lynch informed the commission that the Department of Finance in conjunction with the State Bureau of Audits was still in the process of auditing the functions of the Sacramento office. He noted that, as of the date of the meeting, staff had not received any findings or recommendations; however, an exit interview was scheduled for January 31, 2001 so that the State Bureau of Audits could report to staff its findings.

Mr. Lynch reported that Commissioner Ducheny had found an author for the pension legislation. He noted that Assemblymember Gil Cedillo agreed to carry the legislation. He added that this legislation would again permit the commission to deposit pension contributions directly with the investment services provider rather than back into the General Fund.

Mr. Lynch stated that Ms. Scuri had drafted the Mixed Martial Arts legislation and Assemblymember Cedillo was a possible author. He noted that he had discussed this legislation with Assemblymember Cedillo's staff and was informed that if Assemblymember Cedillo were unable to carry it he would assist the commission in finding another author.

Mr. Lynch reported that the Los Angeles office was still fully functional even though the lease expired on December 31, 2000. He stated that staff has tentatively agreed to a new office space in the same building while still on the first floor but the move would probably not take place until the next few months.

At that point, Mr. Lynch welcomed back Leydis Church. He noted that Ms. Church was out of the office for six months on maternity leave.

5. ELECTION OF OFFICERS

Chairman Soto stated that at the first meeting of every year the commission has to elect the officers of the commission pursuant to Business and Professions Code Section 18606. The following were the nominations:

Action: Motion by Vice-Chairman Costa and seconded by Commissioner Ducheny to re-elect Chairman Soto as Chairman of the commission.

Vote: Unanimous

Chairman Soto accepted the nomination and thanked his fellow commissioners. He stated that he never dreamed in his life that he would ever be chairman of anything due to his rough childhood growing up in East Los Angeles. He noted that he was an amateur fighter but he was not that successful. He added that he was at his peak and he once again thanked the commission as well as staff for their help during the past year.

Action: Motion by Chairman Soto and seconded by Commissioner Ducheny to re-elect Vice-Chairman Costa as the Vice-Chairman of the commission.

Vote: Unanimous

Vice-Chairman Costa accepted the nomination and he stated that it was a great honor to be the Vice-Chairman of the commission.

6. MEETING DATES AND LOCATIONS - 2001 - ACTION

Mr. Lynch stated that at the December 7, 2000 commission meeting, the commission only agreed upon the January 25, 2001 meeting. Since the commission only agreed upon one date, they instructed staff to prepare a list of proposed meeting dates and locations for the remainder of 2001. Mr. Lynch provided the commission with the following list:

- March 22 - Los Angeles
- May 24 - Sacramento
- July 19 - Los Angeles

- September 20 - San Francisco
- December 6 - Los Angeles

Action: Motion by Vice-Chairman Costa and seconded by Commissioner Ducheny to approve staff recommendations for upcoming commission meeting dates and locations.

Vote: Unanimous

7. LICENSE APPROVALS – NEW APPLICATIONS – SPECIAL CONSIDERATIONS – ACTION

7.1 A. Jerrold Perenchio – dba Univision Sports, LLC - Professional Boxing Promoter – Original

Mr. Lynch stated that Mr. Perenchio was the sole shareholder of Univision Communications, Inc. He informed the commission that Mr. Perenchio was applying for an original 2001 professional boxing promoter license and since he met all licensing requirements, staff issued Univision Sports, LLC a temporary professional boxing promoter license in October 2000. He noted that Mr. Perenchio has a vast experience in business and private industry and was involved in the promotion of the 1971 Ali vs. Frazier bout at Madison Square Garden. He added that prior to Univision's first event, they must secure the services of a licensed matchmaker. At that point, Mr. Lynch recommended that Univision Sports be granted a 2001 professional boxing promoter license.

Vice-Chairman Costa asked Mr. Perenchio why he did not promote any events when the commission granted him a temporary promoter license in October 2000. Mr. Perenchio stated that his main event fighter (Oscar De La Hoya) was going through ongoing litigation with his former promoter Robert Arum and currently they were waiting upon the judge's ruling before Univision Sports would began promoting events. Vice-Chairman Costa asked Mr. Perenchio if he had a matchmaker in mind for his promotion. Mr. Perenchio stated that he currently did not but he was still researching qualified persons. Vice-Chairman Costa stated that he read in the newspaper that Mr. Perenchio had signed Oscar De La Hoya for a fight in March and he wanted to know if that information was true. Mr. Perenchio reported that a contract had not been signed but they were currently going through negotiations but a tentative date of March 24, 2001 had been reserved at the MGM Grand in Las Vegas. At that point, Vice-Chairman Costa asked Mr. Perenchio why the event was not booked at a venue in California. Mr. Perenchio stated that he looked into the Staples Center but there were no available dates for the fight and he added that Las Vegas was a major draw because of its casinos. Mr. Perenchio noted that he intended to promote big fights in California.

Action: Motion by Commissioner Ducheny and seconded by Vice-Chairman Costa to grant Univision Sports, LLC an original 2001 professional boxing promoter license.

Vote: Unanimous

7.2 Robert Matias - dba IGM Enterprises, Inc. - Professional Boxing Promoter - Original

Mr. Lynch reported that Mr. Matias was applying for an original 2001 professional boxing promoter license. He stated that Mr. Matias first applied for licensure in 2000, met all licensing requirements, and was issued a temporary promoter license in August 2000. He noted that Mr. Matias had limited experience in the promotion of professional boxing but Mr. Matias did have extensive experience in sales, marketing and the promotion of other ventures.

Mr. Lynch informed the commission that while IGM Enterprises was promoting with the temporary license they held three shows at the Hollywood Park Casino in 2000. He added that the shows were marginal financial successes and staff did not encounter any problems, which was unusual with a novice promoter. He noted that Mr. Gene Valdez would act as matchmaker for Mr. Matias' promotion. At that point, Mr. Lynch recommended

that Mr. Matias be granted a 2001 professional boxing promoter license.

Chairman Soto stated that on Mr. Matias' original application he answered "yes" to question number 14, which deals with misdemeanor/felony convictions. Chairman Soto asked Mr. Matias for an explanation. Mr. Matias stated that this case was a result of operating an unlicensed telemarketing agency. He reported that the fee for licensure for operating a telemarketing agency was \$50 but he was unaware of there being a license for telemarketing which resulted in this case being filed against him and his partners. He noted that if he would had known that there was a license needed to operate a telemarketing agency he would have obtained one to abide by the laws.

Chairman Soto asked Mr. Matias if he was currently on probation. Mr. Matias stated that in fact he was still on probation and it would end in about another year. He added that all of his fines have been paid off and he had kept in good standings with regard to his probation.

Referring to Mr. Matias' statements regarding his conviction, Commissioner Ducheny stated that what he gathered was that Mr. Matias did not know that he was supposed to possess a bond and a license to operate a telemarketing agency. Mr. Matias agreed. Commissioner Ducheny asked Mr. Matias how and when did he finally receive information that he was supposed to have a bond and a license to operate his business. Commissioner Ducheny also asked Mr. Matias if he received any warning letters which informed him that a license and bond were needed prior to charges that were filed against him. Mr. Matias reported that a new law came into affect, which required a license and a bond, but none of his attorneys knew of this prior to the charges being filed. He informed the commission that there was a "sweep" of unlicensed telemarketing agencies and he happened to be one of the agencies that was targeted. He noted that he went to court and the case was settled because there was no basis as far as proof that proved that he knew that what he was doing was illegal.

Commissioner Ducheny stated that during an eight-month period ending on May 31, 2000 of IGM Enterprises' financial statement it showed that they only made \$5,230. Commissioner Ducheny was concerned because it did not look like the business was doing well. Mr. Matias concurred with the amount of revenue made and he stated that his business was an Internet Company and any money that was generated would be placed back into the business to upgrade software and improve other business-related needs. He noted that there was hardly ever a profit made.

Vice-Chairman Costa stated that on the original application Mr. Matias answered "yes" to question number 17, which deals with licensees using another name. Vice-Chairman Costa asked Mr. Matias what alias did he use. Mr. Matias stated that he used the name Robert "Duvall" Matias. He pointed out the "Duvall" was his wife's maiden name which he included to his name when he got married.

Commissioner Ducheny stated that according to Mr. Matias' comments and financial statement regarding income he asked Mr. Matias how could he make a living on a business that was not making profits. Mr. Matias informed Commissioner Ducheny that he receives a salary from IGM Enterprises. He noted that he receives about \$1,000 a week. Commissioner Ducheny asked why this information was not disclosed on the financial statement. Mr. Matias stated that his accountant prepared the financial statement and if the commission needed more information he would be more than happy to provide it.

At that point, Ms. Scuri stated that this information might have not been provided because the financial statement was provided as an attachment for an application as a corporation and not as a sole proprietor. She added that Mr. Matias' income would be an expense to the corporation (IGM Enterprises, Inc.). Commissioner Ducheny agreed but he wanted to see the figures on the financial statement.

Referencing the financial statement, Mr. Matias stated that under the "Payroll Tax Expense" it showed that IGM Enterprises paid taxes for the payroll. Mr. Plowman asked Mr. Matias if he was receiving a paycheck from IGM Enterprises. Mr. Matias stated that he was in fact receiving a paycheck from them. Mr. Plowman asked Mr. Matias if he was receiving a direct paycheck from IGM Enterprises or was he paying himself. Mr. Matias stated that he was getting a direct check from them and he could supply his tax returns as proof to the commission.

Commissioner Ducheny asked how much revenue did IGM Enterprises generate on the three boxing events that were already promoted. Mr. Matias stated that every event was a negative cash flow but he believed that with the proper promotion and billing of the fighters his promotion would grow. He noted that while his past events were poor the amount of paid attendance continued to grow, which has resulted in less of a loss as opposed to his first event. At that point, Mr. Lynch informed the commission that IGM Enterprises' three shows, in order, grossed \$5,000, \$6,000 and \$9,000. Mr. Lynch added that the figures showed that the promotion was starting to grow.

Vice-Chairman Costa asked what experience did Mr. Valdez have as a matchmaker. Mr. Matias stated that Mr. Valdez was a former boxer. At that point, Mr. Lynch stated that Mr. Valdez would never receive a matchmaker license from the commission so he informed Mr. Matias that he would have to find another matchmaker before his next event. Mr. Matias asked if Mr. Tom Brown would be acceptable. Mr. Lynch said yes.

Chairman Soto asked Mr. Lynch why Mr. Valdez was not qualified to be a matchmaker and what was the basis of his decision. Mr. Lynch stated that at the January 24, 2001 weigh in, staff bent over backwards to help Mr. Valdez. He reported that when an inspector arrives at a weigh-in he expects to see 26 rounds of boxing but in Mr. Valdez' case, when the inspector arrived, Mr. Valdez had only arranged 15 rounds and he promised to arrange another match by 5:00pm on January 24. Mr. Lynch added that Mr. Valdez kept pushing the time upward and on occasion had "stretched the truth".

Mr. Matias stated that on the contrary the show scheduled for February 22, 2001 there were 22 rounds of boxing arranged with a 12 round championship fight. Mr. Lynch asked if Mr. Tom Brown was the matchmaker. Mr. Matias stated that Mr. Brown was not the matchmaker and the fighters that would be used for the February 22 event were acquired as a result of managers and/or chief seconds contacting IGM Enterprises to solicit business for their fighters. He added that finding a matchmaker would not be a problem and he asked the commission if they had any suggestions.

Mr. Lynch asked legal counsel if the commission could extend IGM Enterprises' temporary license for an additional 120 days to allow them the time to attain the services of an approved matchmaker and when they did find an approved matchmaker would IGM Enterprises have to appear before the commission again. Ms. Scuri stated that the regulations did not allow an extension of this sort but she stated that the commission could grant IGM Enterprises a license contingent upon them attaining the services of an approved matchmaker. Mr. Matias stated that he would comply with whatever the commission agreed upon.

Commissioner Ducheny asked Legal Counsel what would happen if IGM Enterprises did not attain the services of an approved matchmaker before his next show. Ms. Scuri stated that he would not be permitted to promote any events. At that point, Commissioner Ducheny asked Mr. Matias if he understood what would happen if he did not attain the services of an approved matchmaker. Mr. Matias stated that he understood.

Action: Motion by Vice-Chairman Costa and seconded by Commissioner Ducheny to grant IGM Enterprises, Inc. an original 2001 professional boxing promoter license contingent upon IGM Enterprises, Inc. naming, before its next promotion, a qualified matchmaker that commission staff approves.

Vote: Unanimous

7.3 Damian Wills - Professional Boxer Applicant - Felony Conviction

Mr. Lynch reported that Mr. Wills applied for an amateur boxer license in October 2000 and he participated in an amateur bout in order for staff to gauge his ability to become licensed as a professional boxer. He informed the commission that in November 2000, staff was contacted by the Department of Corrections Parole & Community Services Division as to the status of Mr. Wills' boxer license. He noted that staff had no idea that Mr. Wills was recently paroled from prison, as Mr. Wills answered "no" to the question "are you now on parole or probation?"

Mr. Lynch stated that Mr. Wills actions were in direct violation of Commission Rule 210, which deals with the falsification of a material fact on any application for licensure. He noted that the information submitted by the Department of Corrections indicated that Mr. Wills was convicted of possession of narcotics for sale and receiving stolen property. At that point, Mr. Lynch recommended that the commission uphold the denial of Mr. Wills license and he could reapply in 2002 at which time staff could contact his parole agent for a status report.

Chairman Soto concurred with Mr. Lynch. He stated that the 2002 date would be good because it would give Mr. Wills a year to "walk a straight line" and then the commission could contact his parole agent to get a report. Mr. Wills stated that he had been on parole for the past year and he was officially off parole in December of 2000. He noted that he was waiting for the official paperwork from the Department of Corrections, which would be arriving either in February or March. He added that he would not even be on parole in 2002.

Ms. Scuri asked Mr. Wills to explain why he falsified the application. Mr. Wills apologized for his wrongdoing and stated that he had on occasion lied on job applications because he did not want to be prejudged for something that he had done when he was younger. Ms. Scuri informed Mr. Wills that it was critical when applying for a license to disclose information such as being on parole to prevent situations of this nature.

Mr. Lynch asked Mr. Wills when he was off parole. Mr. Wills stated that he was off parole on December 7, 2000 but it would not be official until he received the discharge paperwork from the Department of Corrections. He noted that he was given 13 months of parole and he was clean with no incidences, which lead him to be discharged from parole.

Mr. Lynch asked the commission if they would consider having Mr. Wills appear at the next commission meeting to submit his discharge paperwork. Commissioner Ducheny stated that Mr. Wills committed a major violation of the commission rules and he felt that the commission should uphold the denial and have Mr. Wills resubmit an application in 2002.

Trainer Terry Claybon stated that Mr. Wills had been in the gym everyday training hard and all that Mr. Wills ever talked about was competing and making a career in professional boxing. He reported that Mr. Wills was working as a security officer, maintained a strict boxing regiment, and had been doing well since his release from prison. He noted that the offenses for which Mr. Wills was sent to prison for happened at a young age and he served his time. He added that now Mr. Wills was trying to create something for himself where he did not want his past to reflect on him so Mr. Claybon asked for the commission's understanding of why Mr. Wills falsified the application.

Chairman Soto asked Mr. Claybon what Mr. Wills' boxing record was. Mr. Claybon stated that Mr. Wills only competed in one amateur boxing event where he knockout his opponent in 32 seconds of the first round. Mr. Claybon noted that this was the fastest knockout in California boxing history.

Action: Motion by Commissioner Ducheny and seconded by Vice-Chairman Costa to table the matter until the March 22, 2001 commission meeting so that Mr. Wills could provide a copy of his parole discharge paperwork for commission review.

Vote: Unanimous

8. APPEAL OF RETIREMENT – DENIAL OF LICENSE - ACTION

8.1 Jose Gonzalez - Professional Boxer - License Denied

Mr. Gonzalez was not present so the commission tabled this item until the next commission meeting.

8.2 Montzell Donaldson - Professional Boxer - Retired

Mr. Barajas informed the commission that Mr. Donaldson was retired from professional boxing based upon his performance on June 29, 2000, in Sacramento. In that bout, Mr. Donaldson suffered a left eyelid laceration and lost a four round unanimous decision to a fighter making his professional debut. Mr. Barajas stated that Mr. Donaldson's ring record was currently zero wins against 11 losses.

Mr. Barajas stated that Mr. Donaldson felt that his retirement was a gross injustice, which resulted in Mr. Donaldson requesting a hearing before the commission so that his retirement could be reconsidered. He reported that Mr. Donaldson stated that he had suffered no neurological damage, was willing to take further neurological and physical exams if required, and felt that it was naïve to say that a professional fighter's record was an indicator of his health or ability to continue boxing. He added that Mr. Donaldson felt that his record was due to his having fought exceptionally talented opposition on short notice, and a lack of proper management.

Mr. Barajas reported that Mr. Donaldson was requesting that his license be reinstated based on the grounds that he still had a strong solid bill of health and that there was no tangible reason that his performance was substandard. He noted that Mr. Donaldson was willing to comply with any stipulations or conditions the commission may require for his license to be reinstated. At that point, Mr. Barajas reminded the commission that Mr. Donaldson did not appear at the August 25, 2000 commission meeting to appeal his retirement. He stated that on August 30, 2000, Mr. Donaldson was informed that the commission upheld staff's recommendation to retire Mr. Donaldson from professional boxing.

As a result of the commission's decision, Mr. Barajas stated that on December 28, 2000, Mr. Donaldson requested he be placed on the agenda for the January meeting to appeal his retirement. Mr. Barajas informed the commission that Mr. Donaldson stated that he was not notified in time to respond and appear for the hearing in August due to an address change.

Mr. Barajas gave the commission the following three options as for resolution in Mr. Donaldson's case:

1. The commission may approve Mr. Donaldson's request to reinstate his license as a professional boxer pending submission and approval of the required license renewal application and supporting documents.
2. The commission may direct staff to screen Mr. Donaldson in a sparring session and grant or deny him a license based upon that sparring session. If the commission chooses to reinstate Mr. Donaldson's license the commission could place a condition on licensure that would require him to submit to a second neurological exam and physical as well as conduct a secondary review of his license status after he has boxed one more time.
3. The commission may deny the reinstatement request and Mr. Donaldson would remain retired from professional boxing.

At that point, Mr. Barajas recommended that Mr. Donaldson remain retired from professional boxing. Mr. Barajas noted that during Mr. Donaldson's last bout he was very passive, did not throw many punches, suffered a laceration to his left eyelid and lost a four round unanimous decision to a boxer making his professional debut. Based upon Mr. Donaldson's record of 11 losses by way of three knockouts, one technical knockout, and seven - four round decisions, Mr. Barajas stated that this recommendation was being made as a health and safety issue.

Mr. Donaldson stated that he loved the sport of boxing and trained very hard to compete in the sport. Since he hardly had any amateur experience, he explained that when he turned professional he fought world class fighters with more experience than him, which resulted in a poor boxing record. He reported that he had never been knocked out but he had been knocked down on occasion during the course of his career. He added that he felt that he still had the capability to compete in this sport and he had made a few changes in his training to better prepare himself for future bouts. Since he loved the sport of boxing so much, he asked for the commission's reconsideration of the denial of his license.

Chairman Soto stated that in one of Mr. Donaldson's letters to the commission it stated that his poor record was a result of mismanagement. Mr. Donaldson concurred. Chairman Soto explained to Mr. Donaldson that his manager/trainer could only train him and teach him what he needed to know about the sport but the actual fighting was left up to him. Chairman Soto added that Mr. Donaldson's poor boxing record was a result of his actions in the ring and not that of his manager/trainer. Based on his age and record, Chairman Soto recommended that Mr. Donaldson remain retired from the sport of professional boxing.

Mr. Donaldson reiterated that when he first turned professional he hardly had any experience and he acted as his own manager, which lead him to accept fights with more skilled opponents. Even though his opponents were more skilled, Mr. Donaldson pointed out that he still gave his opponents a good fight. He stated that with the proper training and management that he currently was receiving he could now compete in this sport successfully.

Vice-Chairman Costa stated that Mr. Donaldson was 36 years old with a very poor record. At that point, Vice-Chairman Costa asked Mr. Donaldson why he still wanted to compete in professional boxing. Mr. Donaldson stated that he loved the sport of boxing and now with the proper training and management it would allow him to be more successful in the sport. He added that he wanted a chance to accomplish his dream of being at the top of the game and he could not see how the commission could not give him another chance since he still had the skills to compete.

Commissioner Ducheny asked Mr. Donaldson how he made a living outside of boxing. Mr. Donaldson reported that he worked as an electrician for the union but he enjoyed competing in professional boxing more.

Chairman Soto asked Mr. Donaldson how long had he been fighting professionally. Mr. Donaldson reported that

he had been fighting for about couple of years. Chairman Soto asked him what made him think, at the age of 36, that he could return to the sport of boxing and make a "name" for himself. Mr. Donaldson stated that he had been training hard and he felt very confident that his skills would allow him to become a better boxer. Chairman Soto asked him why he wanted to return to the sport so late in his life. Mr. Donaldson explained that he had always wanted to successfully compete in boxing and when he came to California he started training with Archie Moore and Billy Moore. He added that he did not start receiving better training and direction until he met the Moore's which happened to be at a later time in his career as a boxer.

Matchmaker, Mr. Jerry Bilderrain, stated that, in fact, Mr. Donaldson had been overmatched in several of his bouts but Mr. Donaldson had put up good fights. At that point, Mr. Lynch asked Mr. Bilderrain if Mr. Donaldson was basically used as an opponent. Mr. Bilderrain stated that Mr. Donaldson was in fact used as an opponent but Mr. Donaldson always tried his hardest during the bout.

Vice-Chairman Costa stated that Mr. Donaldson was 36 years old and he did not know how long Mr. Donaldson could continue competing in this sport. He added that he did not want to see Mr. Donaldson get hurt and he suggested that Mr. Donaldson remain retired.

Mr. Barajas stated that during Mr. Donaldson's last bout he fought a four rounder with a boxer making his professional debut. He noted that the boxer that Mr. Donaldson fought was not a world class fighter.

Action: Motion by Commissioner Ducheny and seconded by Vice-Chairman Costa to deny Mr. Donaldson's reinstatement request and that he remain retired from professional boxing.
Vote: Unanimous

9. REGULATION CHANGES - ACTION

9.1 Pension Plan Rules 401(k) & 403(c)(2)

Ms. Church reported that staff was requesting to amend two sections of the Professional Boxers' Pension Plan regulations. She stated that in a recent discussion with Ms. Scuri and the commission's pension consultant, Mr. Kevin Long, they identified a situation where a covered boxer had a break in service and then returned to professional boxing. She pointed out that normally when a boxer had a break in service he/she would only be able to participate in 50% of the funding allocation rather than the full 100%. She noted that staff along with Ms. Scuri and Mr. Long agreed that this should not apply to covered boxers who come back to fight after a break in service. At that point, Ms. Church requested that the commission set the amended Rules 401(k) & 403(c)(2) for regulation hearings.

For the record, Rules 401(k) & 403(c)(2) currently read as follows:

Rule 401(k) Participating boxer.

"Participating Boxer" means a licensed professional boxer who participates in a contest after July 1, 1981, and who is or may become eligible to receive a benefit under the Plan, or whose beneficiary may be eligible to receive any such benefit, and who has not incurred a break in service.

Rule 403(c) Formula for Allocation of Forfeitures.

Forfeitures which become available in a plan year for allocation shall be allocated to each participating boxer's account on the last day of the plan year in the following proportions:

(2)

One half (1/2) of the forfeitures shall be added to the boxer, promoter and manager contributions for the plan year and shall be allocated among the regular accounts of participating boxers who have not incurred a break in service as of the last day of the plan year according to the formula set forth in subsection (b) above.

For the record, staff recommended the following amendments to Rules 401(k) & 403(c)(2):

Rule 401(k) Participating boxer.

"Participating Boxer" means a licensed professional boxer who participates in a contest after July 1, 1981, and who is or may become eligible to receive a benefit under the Plan, or whose beneficiary may be eligible to receive any such benefit, and who has not incurred a break in service. A boxer who has incurred a break in service shall nonetheless be deemed a "participating boxer" for any year after that break in service in which the boxer participates in a contest.

Rule 403(c) Formula for Allocation of Forfeitures.

Forfeitures which become available in a plan year for allocation shall be allocated to each participating boxer's account on the last day of the plan year in the following proportions:

(2)

One half (1/2) of the forfeitures shall be added to the boxer, promoter and manager contributions for the plan year and shall be allocated among the regular accounts of participating ~~boxers who have not incurred a break in service as of the last day of the plan year~~ fought in the current plan year according to the formula set forth in subsection (b) above.

Ms. Scuri reported that when the regulations were originally drafted one part of the funding mechanism was the reallocation of forfeitures where a boxer had a break in service and he was not vested. She stated that she along with staff did not contemplate the situation of a boxer having a break in service and then returning to boxing after the break in service to compete again in boxing. She added that it did not make sense for a boxer to not be allowed to participate in 100% of the forfeitures that were being reallocated rather than only 50%. She noted that this was the reason why staff was recommending that the commission set these Rules for hearing because of the oversight.

For clarification, Mr. Lynch stated that, at the end of the pension plan year, all the contributions and the forfeited monies were disbursed amongst the boxers who were in the Plan on a proportional basis. He noted that the covered boxers received 100% of their share but the boxers who were not covered only received 50% of their share. He added that the boxers who did not have a break in service would get their full 100% of their share.

Action: Motion by Commissioner Ducheny and seconded by Vice-Chairman Costa to set Rules 401(k) & 403(c)(2) for regulation hearings.

Vote: Unanimous

9.2 & 9.3 Rules 376(a)(b) & 377(a)(b)

Ms. Scuri reported that, when a referee received an unsatisfactory referee evaluation, the rules provide the mechanism for disputing the evaluation and as a result there were several major hearings held. She stated that all that really needed to occur was that staff needed to sit down with the referee and find out what the main problem was with the referee's performance and then try to resolve the situation. As a result of the current hearings that were held involving several referees, Ms. Scuri stated that she along with staff thought that resolving these hearings at a lower level would help defuse the situation which would result in a lesser expenditure of time.

At that point, she explained that there was a need to update the regulations to provide for a situation where a referee's performance at one time was not "all that bad" which this situation could be handled at a lower level. She added that on the other hand if that same referee's performance during another match was totally poor where he/she did not administer the rules to protect the health and safety of the fighters than a formal hearing should be scheduled to reevaluate the referee's ability to continue refereeing. She explained that this was why staff was proposing amendments to Rule 376 & Rule 377.

Rules 376 & 377 currently read as follows:

376. GRADING OF REFEREE'S PERFORMANCE.

It shall be the duty of the assigned commission representative to grade each boxing referee's performance for each contest presided over by the referee. The grade shall be either satisfactory or unsatisfactory and shall be arrived at by considering, among other things, the referee's reflexes, and overall ability to direct and control the contest in a manner designed to ensure the protection of the participants and to obtain the contestants' compliance with the statutes and rules of the commission applicable to the particular contest. The grader may include written comments where a satisfactory grade is rendered but shall make specific written comments where a grade of unsatisfactory is rendered. The grade and any comments pertaining thereto shall be filed with the executive officer in the Sacramento office and may be inspected or copied by the referee or anyone designated in writing by the referee so graded. Any referee wishing to protest an evaluation shall do so in writing within 30 days after the evaluation has been served on the referee.

377. HEARING TO REMOVE REFEREE'S LICENSE.

At any time during the course of a boxing contest should it become apparent to any duly authorized representative of the commission that any referee is not discharging his responsibilities in a manner which ensures the safety of the participants, a written report shall be filed with the executive officer. The referee shall be notified that he shall not be assigned to referee another contest until a hearing is held. If the referee requests a hearing, a hearing shall be held within thirty days of the request. The commission itself may conduct the hearing, or it may delegate this responsibility to any duly authorized representative of the commission. The hearing shall be held to determine whether the referee's license shall be revoked or suspended or other appropriate action taken by the commission. The decision resulting from the hearing shall be final.

376. GRADING OF REFEREE'S PERFORMANCE

(a) It shall be the duty of the assigned commission representative to grade each boxing referee's performance for each contest presided over by the referee. The grade shall be either satisfactory, unsatisfactory, or needs improvement. The grade shall be arrived at by considering, among other things, the referee's reflexes, and overall ability to direct and control the contest in a manner designed to ensure the protection of the participants and to obtain the contestants' compliance with the statutes and rules of the commission applicable to the particular contest. The ~~grader~~ evaluator may include written comments where a satisfactory grade is rendered but shall make specific written comments where a grade of unsatisfactory or needs improvement is rendered. The grade and any comments pertaining thereto shall be filed with the executive officer in the Sacramento office and may be inspected or copied by the referee or anyone designated in writing by the referee so graded. Any referee wishing to protest an evaluation shall do so in writing within 30 days after the evaluation has been served on the referee.

(b) If a referee files a written protest of any evaluation, the executive officer or that person's designee shall,

in consultation with the evaluator, discuss the evaluation with the referee. Where the evaluation was unsatisfactory or needs improvement, the referee shall be given recommendations for improving his or her performance.

377. HEARING TO REMOVE REFEREE'S LICENSE

(a) At any time during the course of a boxing contest should it become apparent to any duly authorized representative of the commission that any referee is not discharging his responsibilities in a manner which ensures is contrary to the safety of the participants, a written report shall be filed with the executive officer. The referee shall be notified that he shall not be assigned to referee another contest until a hearing is held. If the referee requests a hearing, a hearing shall be held within thirty days of the request. The commission itself may conduct the hearing, or it may delegate this responsibility to any duly authorized representative of the commission. The hearing shall be held to determine whether the referee's license shall be revoked or suspended or other appropriate action taken by the commission. The decision resulting from the hearing shall be final.

(b) If the executive officer becomes aware of two or more bouts where a referee is not discharged the referee's responsibilities with the requisite skill to ensure the safety of the participants, the referee shall be notified of his or her specific deficiencies and each date and bout where the deficiencies were noted. The executive officer may consider all bouts over which the referee presided, regardless of whether the referee received any formal evaluation and regardless of whether that evaluation was satisfactory. The referee may request a hearing within thirty days from the date of the notification. If the referee requests a hearing, a hearing shall be held within thirty days of the request. The commission itself may conduct the hearing, or it may delegate this responsibility to any duly authorized representative of the commission. The hearing shall be held to determine whether the referee's license shall be revoked or suspended or other appropriate action taken by the commission. The decision resulting from the hearing shall be final.

Ms. Scuri stated that the amended version of Rule 376 specifically set out a procedure that would address the situation that if a referee filed a written protest regarding an unsatisfactory referee evaluation the Executive Officer or a designee could meet with the evaluator and the referee to discuss and resolve the situation.

Ms. Scuri reported that in Rule 377 there was an existing provision that stated that if at any time during the course of a boxing contest it became apparent to a commission representative that a referee was not discharging his/her responsibilities in a manner that ensured the safety of the participants then a written report would be filed and the referee would be scheduled for a hearing. She stated that this would be one degree of resolution but she suggested that there be another step included to resolve other issues related to referee hearings. She suggested that if the Executive Officer became aware of two or more bouts that a referee was not discharging his/her responsibilities with the necessary skills then the referee would be informed of the deficiency and each date and bout would be noted. Based on all reported dates and bouts where the deficiencies occurred, staff could base their opinion on whether the evaluations were satisfactory or unsatisfactory. Ms. Scuri noted that if the referee decided to ask for a hearing then a formal Rule 377 hearing would occur.

Ms. Scuri stated that staff was trying to restrict the use of Rule 377 hearings only to clear incidences of real health and safety problems or the accumulation of minor incidences that demonstrated that the referee did not just have one "bad night". She asked that the commission set the proposed amendments for hearing (actual language was attached for the record).

Chairman Soto asked Ms. Scuri what if a referee was not satisfied with the "low level" conversations with staff and the evaluator and he/she wanted to appear before the commission to express his/her concerns. Ms. Scuri stated that the amended version of the rules would not permit the referee to engage in a formal Rule 377 hearing because the hearings would be limited to only serious problems not minor problems.

Vice-Chairman Costa stated that out of the entire referee evaluations that he had received in the mail not many of them had been unsatisfactory. He noted that at the bottom of the evaluation form the referee would sign his/her name stating that he/she understood the reported problems if any were reported.

Commissioner Ducheny asked Ms. Scuri what the following sentence meant in the amended version of Rule 377:

- "The commission itself may conduct the hearing, or it may delegate this responsibility to any duly authorized representative of the commission."

Ms. Scuri informed Commissioner Ducheny that the commission could give the Executive Officer the authority to conduct the hearing or it could authorize the Officials' Committee to hold the hearing or it could authorize another party (i.e. legal counsel) to oversee the hearing. Regardless of who conducted the hearing, they would report their findings directly to the commission. Ms. Scuri stated that this permitted flexibility for the commission.

Commissioner Ducheny asked if the referee would be allowed to appeal to the commission whatever decision the duly authorized representative agreed upon at the hearing. Ms. Scuri said no because in the amended Rule whatever the outcome of the hearing, it would be final. She stated that generally the way the commission conducted the hearings was that the Officials' Committee oversaw them and then the Committee would report back to the commission before a final judgement was made. She noted that staff could change the amended regulation to formally state that the Officials' Committee would be the only representatives that would oversee the hearings.

Commissioner Ducheny stated that his main concern was that, following the outcome of the hearing, the amended Rule 377 did not allow the referee to appeal the decision to the commission and it did not give the commission the final approval regarding the findings and/or decision of the duly authorized representative of the commission. Ms. Scuri stated that she could still make changes to the amended version of Rule 377. She suggested that the Rule could state that the commission could delegate the responsibility of the hearing to any duly authorized representative of the commission but the representative would bring back the recommendation to the commission for final approval.

Commissioner Ducheny stated that he would like to have placed in Rule 377 that the referee and the commission representative would both have to appear before the commission to hear the final approval. He added that this would give both sides the opportunity to bring forward his/her opinion in front of the commission. Mr. Plowman stated that there had to be a distinction between the two levels in dealing with the hearings. He reported that one level would be for minor incidences that could be handled outside of the commission and the other would be for major problems dealing with health and safety which would call for a formal Rule 377 hearing.

Commissioner Ducheny reported that the last sentence of Rule 377 stated that a hearing should be held to determine whether the referee's license should be revoked or suspended or other appropriate action be taken by the commission. He stated that since they were the commission he did not feel that they should delegate the final appeal from a licensee to an outside representative. Mr. Plowman concurred.

Ms. Scuri asked Commissioner Ducheny that if she changed the sentence to read as follows would he accept the

amended Rule 377:

- "The commission itself may conduct the hearing or it may delegate this responsibility to any duly authorized representative of the commission who shall then make a recommendation to the commission in this matter. The decision of the commission shall be final."

Commissioner Ducheny concurred. Commissioner Ducheny asked if the referee would be allowed to discuss this case with the commission. Mr. Plowman said yes but it would only be limited to the recommendation.

Action: Motion by Commissioner Ducheny and seconded by Vice-Chairman Costa to set Rules 376(a)(b) & 377(a)(b) for regulation hearings as modified to reflect that if a hearing was delegated to a duly authorized representative of the commission that person would make a recommendation to the commission.

Vote: Unanimous

Following the approved changes to amend Rules 376 & 377, for the record the Rules shall now read as follows:

376. GRADING OF REFEREE'S PERFORMANCE

(a) It shall be the duty of the assigned commission representative to ~~grade~~ evaluate each boxing referee's performance for each contest presided over by the referee. The ~~grade~~ evaluation shall result in a grade of ~~shall be~~ either satisfactory, unsatisfactory, or needs improvement. The grade shall be arrived at by considering, among other things, the referee's reflexes, and overall ability to direct and control the contest in a manner designed to ensure the protection of the participants and to obtain the contestants' compliance with the statutes and rules of the commission applicable to the particular contest. The ~~grader~~ evaluator may include written comments where a satisfactory grade is rendered but shall make specific written comments where a grade of unsatisfactory or needs improvement is rendered. The grade and any comments pertaining thereto shall be filed with the executive officer in the Sacramento office and may be inspected or copied by the referee or anyone designated in writing by the referee so graded. Any referee wishing to protest an evaluation shall do so in writing within 30 days after the evaluation has been served on the referee.

(b) If a referee files a written protest of any evaluation, the executive officer or that person's designee shall, in consultation with the evaluator, discuss the evaluation with the referee. Where the evaluation was unsatisfactory or needs improvement, the referee shall be given recommendations for improving his or her performance.

377. HEARING TO REMOVE REFEREE'S LICENSE

(a) At any time during the course of a boxing contest should it become apparent to any duly authorized representative of the commission that any referee is not discharging his responsibilities in a manner which ensures the safety of the participants, a written report shall be filed with the executive officer. The referee shall be notified that he shall not be assigned to referee another contest until a hearing is held. If the referee requests a hearing, a hearing shall be held within thirty days of the request. The commission itself may conduct the hearing, or it may delegate this responsibility to any duly authorized representative of the commission, who shall then make a recommendation to the commission in the matter. The hearing shall be held to determine whether the referee's license shall be revoked or suspended or other appropriate action taken by the commission. The decision ~~resulting from the hearing~~ of the commission shall be final.

(b) If the executive officer becomes aware of two or more bouts where a referee has not discharged the referee's responsibilities with the requisite skill to ensure the safety of the participants, the executive officer shall notify the referee of his or her specific deficiencies and each date and bout where the deficiencies were noted. The executive officer may consider all bouts over which the referee presided, regardless of whether the referee received any formal evaluation and regardless of whether that evaluation was satisfactory. The referee may request a hearing within thirty days from the date of the notification. If the referee requests a hearing, a hearing shall be held within thirty days of the request. The commission itself may conduct the hearing, or it may delegate this responsibility to any duly authorized representative of the commission, who shall then make a recommendation to the commission in the matter. The hearing shall be held to determine whether the referee's license shall be revoked or suspended or other appropriate action taken by the commission. The decision of the commission shall be final.

10. MIXED MARTIAL ARTS UPDATE - ACTION

Mr. Lynch reported that since the Administration denied the requested funding for mixed martial arts, the Office of Administrative Law automatically disapproved the proposed mixed martial arts regulations which caused several things to happen. He informed the commission that the mixed martial arts community was planning to petition the Governor to reconsider the commission's funding request and Commissioner Ducheny had found a potential author to introduce legislation to grant an ongoing appropriation of \$300,000 for the commission to regulate mixed martial arts. He stated that if the Governor signed the bill it would become effective January 1, 2002. He added that once the bill was signed, staff would then proceed with a Legislative Budget Change Proposal (BCP) which would request additional staffing.

Mr. Lynch explained that if the BCP was approved by Agency and Finance it would become effective July 1, 2002 but there would still be the matter of regulations. He noted that if the Governor signed the legislation, staff would then have to go through the regulatory process once again and this would add on an additional time period of 6-9 months if all went well.

At that point, Mr. Lynch requested direction on how to proceed until the commission had finalization on funding, staffing and approved regulations in place for mixed martial arts. He noted that these types of events were happening and possibly were going to increase since the commission could not regulate them. He recommended the following options as ways to deal with this situation:

1. Continue to send cease and desist letters to promoters/venues stating that the events are illegal.
2. Due to the funding situation, let the events run their course.

Ms. Scuri stated that it would be to the advantage of the commission to continue to send out the cease and desist letters because it would build a case that would benefit the commission in the long run. Mr. Plowman concurred.

Mr. Plowman stated that he had several conversations with persons in the mixed martial arts community where he relayed to them that even though the Governor did not approve the funding the promotion and involvement in those types of events were illegal. He noted that there were also a few modifications that needed to be included in the mixed martial arts legislation such as the exception of Olympic sanctioned events (i.e. judo, jiu-jitsu, etc.).

Commissioner Ducheny stated that the commission had done everything so far in its power to regulate mixed martial arts and now the commission had to go through a different method of regulating it. He noted that the commission may have a potential author for the budget legislation but he would have to update the commission at a later time so that he could find out the outcome of the meeting between former Assemblyperson Denise Moreno Ducheny and Assemblyman Nakano. He added that if a sponsor was found to carry the bill regarding

funding of mixed martial arts the industry of mixed martial arts should take the "fight" to the legislature, the Senate, and the State Assembly to encourage the members to vote for this bill.

Mr. Lynch asked reporter, Josh Gross of Full Contact Fighter Magazine, to quote the following, "We want the mixed martial arts industry to know that the commission, the Director of DCA, and the Agency Secretary supported the sport but the appropriate funding was denied."

Action: Motion by Chairman Soto and seconded by Commissioner Ducheny to continue to send out cease and desist letters to the promoters and venues of illegal mixed martial arts events.

Vote: Unanimous

11. PEDRO FERNANDEZ ALLEGATIONS - INFORMATION

Mr. Lynch stated that at the last commission meeting Mr. Fernandez appeared before the commission during public comment and made allegations against commission staff members. He reported that he informed Mr. Fernandez that performing an investigation in front of the commission was not the proper way to proceed with the a formal investigation. He informed the commission that he asked Mr. Fernandez to submit any and all materials related to the allegations to the staff members or the Attorney General's office.

Commissioner Ducheny stated that Mr. Fernandez' statements regarding Mr. Lohuis bothered him because he felt that Mr. Lohuis was a very hard worker. He added that a good deed never went unpunished. At that point, Commissioner Ducheny commended Mr. Lohuis for a job well done.

Chairman Soto stated that the commission as well as staff requested that Mr. Fernandez bring in the persons that brought the allegations to his attention so their statements could be given for the record. He noted that to his knowledge no one had even come forward to back up Mr. Fernandez' allegations.

Mr. Plowman informed the commission that in fact a few people had responded to Mr. Fernandez' allegations which they stated that the information that Mr. Fernandez was relating to the commission was false. Since no back up material was received, Mr. Plowman suggested that staff send Mr. Fernandez a letter stating that the commission had investigated and closed the matter because no proof was evident to back up his allegations.

12. COMMITTEE REPORTS – INFORMATION/ACTION

12.1 Arbitration Committee Report

Mr. Plowman reported that there was one outstanding arbitration but it would be addressed in San Diego within the next few weeks. He noted that Commissioner Ducheny volunteered to accompany Mr. Lynch for the arbitration hearing in San Diego.

12.2 Pension Plan Review Committee Report

This item was addressed in agenda item 9.

12.3 Medical and Safety Standards Advisory Committee Report

Dr. Wallace reported that he was still working on finding a sponsor to carry legislation regarding Hepatitis C testing. He requested that the commission get the word across to the mixed martial arts community that the

commission had qualified ringside physicians that could be used for their events at the Indian Reservations to ensure the health and safety of the fighters. He added that even though the commission did not regulate mixed martial arts on Indian Reservations the commission should still be concerned for the health and safety of the fighters.

Dr. Wallace informed the commission that at a recent bout in California there could have been a potential death due to a fighter refusing medical attention. He reported that the fighter sustained a severely fractured jaw, which was appropriately recognized by a ringside physician. As a result of the severity of the injury, the physician informed the fighter that he needed to go to the hospital to receive medical attention. Dr. Wallace noted that the fighter refused for a variety of reasons, which had placed the ringside physicians in a hard predicament.

Dr. Wallace reported that the fighter lost so much blood that he had to be kept in the hospital for 24 hours before any surgery could be done to repair his jaw. He stated that the fighter's jaw was so badly broken that he had his jaw wired plus an outside apparatus to hold his jaw in place. Since the injury to the jaw was so serious, the fighter would be required to wear the apparatus for a minimum of six months.

Dr. Wallace stated that there was a major problem because the doctors at the Medical Board and the Malpractice office state that the physician would still be responsible for the fighter even though the commission states that at the end of the venue the ringside physician's job was complete. He noted that if the fighter would have been allowed to go home it could have resulted in death and the ringside physician would have been responsible. Since incidences like this one could occur at anytime, Dr. Wallace requested that the commission ask legal counsel to draft a waiver form to protect the ringside physicians against any repercussion. Legal counsel indicated such a waiver could be drafted.

At that point, Commissioner Ducheny stated that he had not seen any of this report and the items that Dr. Wallace presented were not noticed so the commission could not hear them. He added that Dr. Wallace was just supposed to provide the commission with an update or comments but not items for the commission's consideration. He noted that he on several occasions had informed Dr. Wallace of the proper procedures of noticing the item so that the commission could add them to the agenda for consideration but Dr. Wallace still had not complied with the procedures.

Ms. Scuri stated that any committee that has an action item should have a written report because action items have to be listed on the agenda. She informed Dr. Wallace that if he had action items to address then in the future he would have to submit a written report. Dr. Wallace concurred. Ms. Scuri reported that if Dr. Wallace was not asking for an action item or for the commission to deliberate on any subject then the commission could hear his comments.

Dr. Wallace stated that this problem regarding a waiver form occurred one week prior to the meeting so there was really no time for him to inform the commission of the incident. He noted that all he wanted to do was inform the commission of this problem. At that point, Commissioner Ducheny stated that Dr. Wallace should still have provided a written report to the commission so that they would have some information on what he wanted to address at the meeting.

Mr. Plowman stated that Dr. Wallace's comments were important and he suggested that Dr. Wallace could address the commission during public comment.

Chairman Soto stated that at some events that he had attended the lower ropes were still not being padded adequately. He asked who was responsible for the padding of the ropes. Mr. Lynch informed him that the venue was responsible for the padding. Chairman Soto asked whose job was it to ensure that the ropes were padded.

Mr. Lynch informed him that it was the inspector's job. Chairman Soto requested that Mr. Lynch inform the inspectors to double check the bottom ropes to ensure that the ropes are properly padded to prevent injury.

12.4 Legislative Committee Report

This item was addressed in agenda item 9

12.5 Officials' Committee Report

Vice-Chairman Costa reported that he attended the show on January 19, 2001 at the Arco Arena in Sacramento. During one of the bouts, he stated that there was a hard knockdown and the referee for some reason stood over the fighter and did not let him up. He stated that the evaluator informed him that the referee should have let him up. At that point, Mr. Lynch informed Vice-Chairman Costa that the fighter was already knocked out before he hit the floor. Vice-Chairman Costa stated that he agreed with the referee but he was concerned that the evaluator would write the referee up for not letting the fighter get up. Aside from that, Vice-Chairman Costa stated that all the referee evaluations were satisfactory and he was glad to see everyone progressing.

Chairman Soto stated that he received a call from WBC President Jose Suliman regarding the officials for the January 19, 2001 event. He reported that Mr. Suliman was upset that the commission did not accept his judges for the fight. He noted that he informed Mr. Suliman that the commission's decision would stand.

12.6 Amateur Boxing Committee Report

Dr. Wallace reported that he was still seeing the repercussions of amateurs sparring with professional boxers. He stated that this was in direct violation of both the commission's regulations and USA Boxing's so he suggested that the commission in conjunction with USA Boxing send out some type of letters warning individuals as well as gyms that this practice was illegal. At that point, Commissioner Ducheny stated that Dr. Wallace was still out of order.

Chairman Soto consulted legal counsel to ask if Dr. Wallace could proceed with his report. Ms. Scuri stated that his comments could be addressed in public comments.

13. AGENDA ITEMS FOR FUTURE MEETINGS

Ms. Scuri noted that there would be two regulation hearings.

14. COMMISSIONERS' COMMENTS AND/OR RECOMMENDATIONS

There were no comments.

15. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Chairman Soto informed the person who wanted to make public comments that their time would be limited to five minutes per person.

Mr. Tom Khamvongsa asked the commission what the status was on the rule package that he submitted at the last meeting regarding Muay Thai. Mr. Lynch informed him that staff had forward copies of the rule package to the members of the Martial Arts Advisory Committee and staff was awaiting their comments. At that point, Mr. Hamilton, member of the Martial Arts Advisory Committee, submitted his written comments on the package.

Mr. Don Chargin commended the commission and staff for a job well done at the January 19, 2001 show at the Arco Arena.

Former Commissioner, Mr. Andrew Kim, stated that he was quite surprised by Commissioner Ducheny's reactions to Dr. Wallace's reports. He stated that when he was a member of the commission they always allowed ample time during the committee reports to make and receive comments on topics relating to the reports. He noted that since Dr. Wallace's reports were important the commission should have taken the time to hear them and they could have considered his items for the next meeting as agenda items. He added that a lot has changed since his tenure as a commissioner.

Commissioner Ducheny stated that he agreed that everyone should have an opportunity to address the commission but he stated that some people abused that opportunity and would use every possibility to start a dialogue. He noted that he had informed Dr. Wallace on several occasions that a written report was needed but Dr. Wallace always tried to fit in his comments during inappropriate times of the meeting.

Mr. Khamvongsa expressed his concerns that the commission hardly ever spoke about martial arts and he asked why the commission did not address more martial arts topics. Chairman Soto informed him that there were no agenda items that required the commission to address those topics so he informed Mr. Khamvongsa that if he would like to have items placed on the agenda it needed to be put in writing and sent to staff.

Dr. Wallace stated that currently the insurance forms that the boxers submitted to the hospital where they receive medical attention were the wrong forms. He requested that the Supervising Inspector obtain signed copies of the insurance forms to hand out to boxers who need medical attention so that there would be no problems when arriving at the hospital.

Dr. Wallace provided the commission with a draft Ringside Physician Report that he created to better prepare the ringside physician in case of an emergency. He stated that this checklist would ensure that all proper equipment and information would be available if needed.

Mr. Josh Gross asked if the mixed martial arts cease and desist letters only applied to the State of California and not Indian Reservations. Mr. Lynch concurred. Mr. Gross asked if this also affected the sports of Brazilian Jiu-jitsu and Submission Grappling events. Mr. Lynch concurred. Mr. Gross asked if these sports were now deemed illegal. Ms. Scuri informed him that they always were illegal. Mr. Gross asked if the commission would actively try to shut those events down. Mr. Lynch informed him that the commission would continue to send out cease and desist letters.

The meeting adjourned at 11:30am.

The draft minutes were prepared by:

FRANK MUNOZ

DATE

The final minutes were prepared by:

FRANK MUNOZ

DATE